

REMARKS

This application has been reviewed in light of the Office Action dated September 9, 2002. Claims 14-21, 23, 28, and 30-32 are pending in this application. Claims 14 and 28 are the independent claims. Claim 23 has been amended only as to matters of form, and such amendment does not, in any way, narrow the scope of this claim. Favorable reconsideration is requested.

Claim 23 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicant has replaced "a storage unit" with --wherein the storage unit-- in Claim 23. Accordingly, Applicant believes that the rejection under Section 112, second paragraph, has been obviated and its withdrawal is respectfully requested.

The Office Action includes a rejection of Claims 14-21, 23, 28, and 30-32 under 35 U.S.C. § 103(a) as being unpatentable primarily as a result of combining the disclosures of U.S. Patent No. 5,247,330 (*Ohyama et al.*) in view of U.S. Patent No. 5,631,699 (*Saito*), and also including the disclosures of U.S. Patent No. 5,940,128 (*Morimura*), U.S. Patent No. 4,939,580 (*Ishikawa et al.*), and European Patent Application No. 617562 (*Mizoguchi*).

Applicant submits that independent Claims 14 and 28, together with the remaining claims dependent thereon, are patentably distinct from the proposed combination of the cited prior art at least for the following reasons.

Claim 14 requires an image input device for picking up images of one subject or more by switching of an image pickup direction. The image input device includes: an image pickup unit adapted to pick up an image of a subject and to output an image signal corresponding

to the picked-up image; an image pickup direction switch adapted to switch the image pickup direction of said image pickup unit; an angle detection unit adapted to detect a change of an angle of the image pickup direction; and a control unit adapted to automatically store an image signal including a predetermined angle in a storage unit, in accordance with detecting a change of the image pickup direction by said angle detection unit.

One important feature of Claim 14 is the angle detection unit adapted to detect a change of an angle of the image pickup direction. This feature is described in the specification at least at page 13, lines 8-17, which states:

In a document image pickup operation, a document angle detection switch 26a is turned on by being pressed by the image pickup lens 22, indicating to the controller 10 that the image pickup device 20 is in a document image pickup state. In a person image pickup operation, a person camera angle detection switch 26b is similarly turned on by being pressed by the image pickup lens 22, indicating to the controller 10 that the image pickup device 20 is in a person image pickup state.

In other words, the angle detection switches detect whether the image pickup device is in a document image pickup state or in a person image pickup state. (It is to be understood, of course, that the scope of Claim 14 is not limited to the details of this embodiment, which is referred to only for purposes of illustration.)

The Examiner, at page 3 of the Office Action, relies upon *Saito* to teach “an angle detection unit adapted to detect a change of an angle of the image pickup direction,” stating that *Saito* discloses a “sensor which is provided to a video camera for detecting an orientation position of the video camera.” The Examiner cited column 8, lines 48-54 of the specification to

support this assertion. But, *Saito* at column 7, lines 26-32 provides detail regarding the sensor, stating that:

“[a] position of the video camera 10 is greatly different depending on whether the camera is placed in the mount P, or the camera is placed in the table for close-up photography. Accordingly, an acceleration sensor (weight sensor) is provided in the camera main body, and each photographic function can be switched by a position signal of the camera 10 outputted from the sensor.”

Applicant submits that *Saito* discloses sensing whether the camera is placed in the mount P, or is placed on the table for close-up photography. In contrast, the angle detection unit of Applicant's Claim 14 detects a change of an angle of the image pickup direction. For example, Applicant submits that *Saito* does not teach detecting whether the image pickup device is in a document image pickup state or in a person image pickup state. Accordingly, nothing has been found in *Saito* that would teach or suggest an angle detection unit adapted to detect a change of angle of the image pickup direction, as recited in independent Claim 14.

Applicant submits that, at least for the reasons discussed above, the proposed combination of *Ohyama et al.* and *Saito*, assuming such combination would even be permissible, would still fail to teach or suggest the angle detection unit, as recited in Claim 14. Moreover, the secondary references of *Morimura*, *Ishikawa et al.*, and *Mizoguchi* do not overcome the deficiencies of *Ohyama et al.* and *Saito*. Accordingly, Applicant submits that Claim 14 is patentable over this prior art, taken separately or in any proper combination.

Independent Claim 28 is a method claim that corresponds to apparatus Claim 14, and is believed to be patentable for at least the same reasons as discussed above in connection

with Claim 14.

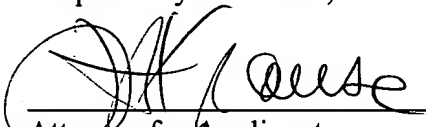
A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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